

Government Organization Act, 1970

be able to ask the man who is advancing these ideas, and who will be exercising the very extensive powers we are being asked to give him, what use he intends to make of them. If we are not to make a farce of this committee, if we are not to make it some little debating society held in the corner while the Prime Minister and other ministers go about their business, then surely the Prime Minister ought to be here.

• (4:50 p.m.)

I do not intend to urge that we do not proceed at all, but I am saying that none of the clauses in this Part IV should be passed until the Prime Minister is here either to make a statement or to answer questions and give the committee of the whole some information regarding the reasons for the very extensive and unusual powers he is asking Parliament to vest in him. For that reason, I hope before the hon. member for Peace River continues the President of the Treasury Board will indicate whether we will have the advantage of the Prime Minister's presence at some time while these two parts of the legislation are being discussed.

The Chairman: Order, please. If it meets with the approval of hon. members of the committee the Chair might now take the appeal to Mr. Speaker. Is that generally agreed?

Some hon. Members: Agreed.

Mr. Speaker resumed the Chair, and the Chairman of the Committee made the following report:

Mr. Speaker, the question is an appeal of a decision of the Chairman of the committee of the whole under the provisions of Section (4) of Standing Order 55 as follows:

When clause 2 of Bill C-207, an Act respecting the organization of the government of Canada and matters related or incidental thereto, was being considered in the committee of the whole at yesterday's sitting, the hon. member for St. John's East (Mr. McGrath) proposed an amendment as follows:

"That clause 2 of Bill C-207 be amended by striking out the words 'Department of the Environment' where they first appear, immediately after clause 1 on page 1 thereof, and substituting therefor the words 'Department of Fisheries and the Environment'.

When the committee resumed at this day's sitting, the hon. member for St. John's East raised a point of order as to the procedural position of the proposed amendment in view of the tabling this day of estimates covering the department of environment, which Part I of Bill C-207 would establish.

The Chairman ruled that the amendment had been proposed in accordance with the usages and practices of the House, and that in relation thereto the tabling of the estimates had no procedural effect on proceedings on the proposed amendment.

Mr. Speaker: Order, please. If it meets with the approval of the House, the Chair is prepared to hear argument from hon. members before making a determination or ruling in respect of the hon. member's appeal.

Mr. James A. McGrath (St. John's East): Mr. Speaker, I rose on the point of order which is the subject of the appeal to Your Honour because I felt then, as I do now, that hon. members of the whole House have been placed in a difficult if not impossible position by virtue of the fact that the government has proceeded to give effect to

what was heretofore merely a proposal to set up the new department of environment.

In connection with the amendment to Bill C-207, I suggested that the proposed name, the department of environment, be changed to the department of fisheries and the environment. My amendment was moved before the estimates for the fiscal year 1971-72 were tabled in the House today. These estimates indicate that the government has anticipated how the committee would react to the proposals set out in Bill C-207. I maintain that the government has no right to anticipate Parliament in this manner, just as I have no right to anticipate that the House or the committee might accept my amendment.

I submit to you, Your Honour, that I might have assumed my amendment would be accepted by the committee and taken steps to put this into effect. I have the same rights and responsibilities in this House as the Minister of Fisheries and Forestry (Mr. Davis) and the President of the Treasury Board (Mr. Drury), or any other member of the House whether he sits in the treasury benches or elsewhere.

The rights of this House are at stake, and my point of order is simply that the committee of the whole has been placed in an impossible position because of action taken by the government. Obviously, members who sit on the government side of the House will oppose my amendment because the estimates tabled today by the government constitute or represent a clear instruction to supporters of the government as to how they should vote in respect of my amendment.

For those reasons I raised this point of order when the House went into the committee of the whole today to resume consideration of Bill C-207. I might point out that the government could have proceeded in the normal manner by bringing in supplementary estimates if, in fact, the House gave authority to the government to set up the new department of environment. The government could then proceed with the consideration of supplementary estimates are supposed to be reported to the House in government.

The second point I should like to bring to Your Honour's attention is that we are now in the midst of a debate which will substantially change the Department of Fisheries and Forestry. Not only will that department be changed in name but also in substance. As a result of this measure, we will be creating a whole new department which will take in the old Department of Fisheries and Forestry. In this connection, I should like to raise another point for your consideration. I am placed in a difficult position, as are other hon. members of the House, by virtue of the fact that nowhere in the estimates tabled today can we find estimates in respect of the Department of Fisheries and Forestry. After all, this is still a department of this government by the law of this land. These estimates are supposed to be reported to the House in accordance with orders of this House and the laws of this country.

For these reasons, I submit to you, as I submitted to the committee, that members of the committee have been placed in an impossible position in considering my amendment. This is the result of action the government

[Mr. Douglas (Nanaimo-Cowichan-The Islands).]